



Oregon

John A. Kitzhaber, M.D., Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2540

Phone: (503) 373-0050

Fax: (503) 378-5518

www.oregon.gov/LCD



NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

Date: 09/26/2014
Jurisdiction: City of Shady Cove
Local file no.: SR 14-01
DLCD file no.: 001-14

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 09/23/2014. A copy of the adopted amendment is available for review at the DLCD office in Salem and the local government office.

Notice of the proposed amendment was submitted to DLCD 44 days prior to the first evidentiary hearing.

Appeal Procedures

Eligibility to appeal this amendment is governed by ORS 197.612, ORS 197.620, and ORS 197.830. Under ORS 197.830(9), a notice of intent to appeal a land use decision to LUBA must be filed no later than 21 days after the date the decision sought to be reviewed became final. If you have questions about the date the decision became final, please contact the jurisdiction that adopted the amendment.

A notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR chapter 661, division 10).

If the amendment is not appealed, it will be deemed acknowledged as set forth in ORS 197.625(1)(a). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

DLCD Contact

If you have questions about this notice, please contact DLCD's Plan Amendment Specialist at 503-934-0017 or plan.amendments@state.or.us



NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

FOR DLCD USE	
File No.:	001-14 {22287}
Received:	9/23/2014

Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation **no more than 20 days after the adoption.** (See [OAR 660-018-0040](#)). The rules require that the notice include a completed copy of this form. **This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review.** Use [Form 4](#) for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use [Form 5](#) for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use [Form 6](#) with submittal of an adopted periodic review task.

Jurisdiction: City of Shady Cove

Local file no.: **SR 14-01**

Date of adoption: 9-18-14

Date sent: 9/23/2014

Was Notice of a Proposed Change (Form 1) submitted to DLCD?

Yes: Date (use the date of last revision if a revised Form 1 was submitted): 5-27-14

No

Is the adopted change different from what was described in the Notice of Proposed Change? Yes No

If yes, describe how the adoption differs from the proposal:

No significant change. Council restored original language in ordinance relating to replacing temporary signs that was deleted in Planning Commission recommendation.

Local contact (name and title): Debby Jermain, Planning Secretary

Phone: 541-878-8204

E-mail: info@shadycove.net

Street address: 22451 Hwy 62

City: Shady Cove

Zip: 97539-

PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

For a change to comprehensive plan text:

Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

Section 154.350-154.362 (Sign Regulations)

For a change to a comprehensive plan map:

Identify the former and new map designations and the area affected:

- | | | | |
|------------------------|----|--------|--|
| Change from
change. | to | acres. | A goal exception was required for this |
| Change from
change. | to | acres. | A goal exception was required for this |
| Change from
change. | to | acres. | A goal exception was required for this |
| Change from | to | acres. | A goal exception was required for this change. |

Location of affected property (T, R, Sec., TL and address):

The subject property is entirely within an urban growth boundary

The subject property is partially within an urban growth boundary

If the comprehensive plan map change is a UGB amendment including less than 50 acres and/or by a city with a population less than 2,500 in the urban area, indicate the number of acres of the former rural plan designation, by type, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

If the comprehensive plan map change is an urban reserve amendment including less than 50 acres, or establishment or amendment of an urban reserve by a city with a population less than 2,500 in the urban area, indicate the number of acres, by plan designation, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

For a change to the text of an ordinance or code:

Identify the sections of the ordinance or code that were added or amended by title and number:

154.350 - 154.362 (multiple changes throughout the sign regulations)

For a change to a zoning map:

Identify the former and new base zone designations and the area affected:

Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:

Identify additions to or removal from an overlay zone designation and the area affected:

Overlay zone designation:	Acres added:	Acres removed:
---------------------------	--------------	----------------

Location of affected property (T, R, Sec., TL and address):

List affected state or federal agencies, local governments and special districts: ODOT, Jackson County, Jackson County Fire District #4

Identify supplemental information that is included because it may be useful to inform DLCD or members of the public of the effect of the actual change that has been submitted with this Notice of Adopted Change, if any. If the submittal, including supplementary materials, exceeds 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

Final mark-up version of the ordinance, showing additions and deletions.

City of Shady Cove

Ordinance No. 269

AN ORDINANCE OF THE CITY OF SHADY COVE, OREGON AMENDING
THE SIGN REGULATIONS OF THE SHADY COVE CODE OF
ORDINANCES

Whereas, the City of Shady Cove determined that the sign regulations in Chapter 154.350 through 154.362 of the Shady Cove Code of Ordinances contain internal inconsistencies; and

Whereas, Oregon courts have consistently held that sign regulations must be revised to be content neutral; and

Whereas, the Shady Cove Planning Commission conducted a series of properly advertised workshops and drafted amendments to the Sign Regulations, conducted a properly advertised public hearing on July 10, 2014, and deliberated on the proceedings, after which a motion was made, duly seconded, and passed by a roll call vote of 5-0 to recommend that the City Council approve amendments to the sign regulations in Chapter 154.350 through 154.362.

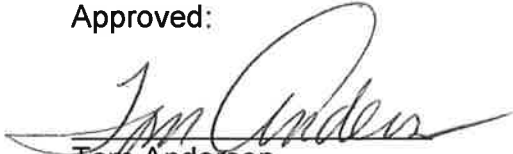
**THE COUNCIL OF THE CITY OF SHADY COVE ORDAINS AS
FOLLOWS:**

The Shady Cove Code of Ordinances is amended as follows:

- | | |
|------------------------|--|
| Section 1: Title | This Ordinance shall be known as the amended sign regulations of the City of Shady Cove, Oregon. |
| Section 2: Description | Amended sign regulations, attached as Exhibit A, identifying the revisions approved by the City Council. |
| Section 3: Amendment | The sign regulations contained in Chapter 154.350 through 154.362 of the Shady Cove Code of Ordinances Plan Map are amended. |
| Section 4: | The City Council adopts as its own, and incorporates by reference, the Planning Commission findings attached as Exhibit B. |

PASSED AND APPROVED by the City Council of the City of Shady Cove this 18 day of September, 2014.

Approved:


Tom Anderson
Mayor

Attest:


Aaron Prunty
City Administrator

Council Vote:

Mayor Anderson	<u>Y</u>
Councilor Hughes	<u>Absent</u>
Councilor Hayes	<u>Absent</u>
Councilor Ulrich	<u>Y</u>
Councilor Sanderson	<u>Y</u>

Exhibit "A"

SIGN REGULATIONS

§ 154.350 PURPOSE AND INTENT.

This section recognizes the important function of signs in the community and establishes regulations intended to protect the public from damage or injury caused by or attributable to distractions and obstructions caused by improperly designed, installed, or located signs. The regulations attempt to improve the appearance of the city, minimize visual clutter, and comply with ODOT standards for National Scenic Byways, while giving businesses an opportunity to attract and inform customers.

(Ord. 225, passed 10-20-1994, § 29.1)

§ 154.351 APPLICATION.

Unless otherwise exempt under Section 154.354, anyone proposing new signs shall be required to make application and pay a permit fee as established by a resolution of the City Council.

(Ord. 225, passed 10-20-1994, § 29.1)

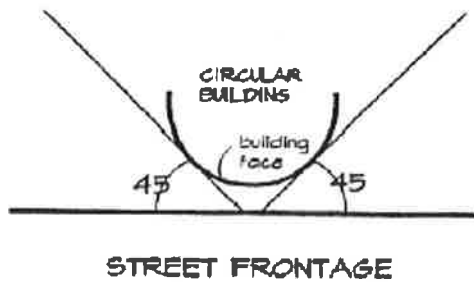
§ 154.352 DEFINITIONS.

For the purpose of this subchapter, the following definitions apply unless the context clearly indicates or requires a different meaning.

ALTERATION. Any change excluding content, and including, but not limited to, the size, shape, method of illuminations, position, locations, materials, construction, or supporting structure of a sign.

AWNING. A shelter projecting from and supported entirely from the exterior wall of a building and constructed of rigid or non-rigid materials on a supporting framework.

BUILDING FACE OR WALL. All window and wall area of a building in one plane or elevation. In the case of a round or curved building, the "front" face or wall shall be determined as the portion that lies between the two 45-degree tangents from the street frontage, as illustrated below:



BUILDING FRONTAGE. The exterior wall surfaces of a building that directly or most directly face a specific direction, usually a street, but in some cases a parking lot. The width of the property line that fronts a particular street is considered that property's frontage. In some cases, such as a corner lot, a property may have more than one ***FRONTAGE.***

BUILDING OFFICIAL. The officer or other person charged with the enforcement of this code or his or her duly authorized deputy or assistant. The administration of this code is the responsibility of the City Administrator.

BULLETIN BOARD. A permanent sign intended to accommodate changeable copy, such as private or public notices, special event information, and other short-term messages, and is generally at a scale suitable for pedestrians and not intended to be read by passing motorists. (Also, see ***KIOSK.***)

CANOPY. A non-movable awning or roof-like structure attached to a building.

CHANGEABLE COPY OR READER-BOARD SIGN. A sign structure that is often internally or externally illuminated and intended to accommodate changeable lettering, numbering, graphic displays or other short-term messages. Often used for commercial messages and for information pertaining to current or coming events of general interest.

CITY ADMINISTRATOR. The City Administrator for the City of Shady Cove or the City Administrator's designee.

CUT-OUT SIGN. Any visual or graphic display in the form of figures, letters, numbers or other characters or representatives in cut-out or irregular forms. The signs may be free-standing or attached to a building or other structure.

DIRECTIONAL SIGN. A permanent sign which is designed solely for the purpose of directing motor vehicle, pedestrian, bicycle or other traffic, or individuals, toward a specific destination or route.

ELECTRIC SIGN. Any sign containing electrical wiring or requiring electricity for its function or illumination.

ELECTRONIC MESSAGE SIGN. Any sign whose message or display is presented with patterns of lights which may be changed intermittently by an electronic process.

FASCIA SIGN. See ***WALL SIGN.***

FLASHING SIGN. Any sign which incorporates intermittent electrical impulses to a source of illumination or revolving in a manner which creates the illusion of flashing, or which changes color or intensity or illumination. Examples include electric or electronic time, date and temperature signs and other electronic message signs.

FREE-STANDING SIGN. A sign that is supported by columns, uprights or braces in or upon the ground and not attached to any building.

GRADE. The level of the surface of the ground, whether or not paved, that lies immediately below a sign or proposed sign location. When a slope is involved, the grade shall be the average of the levels at each supporting member of the sign's structure.

GROUND SIGN. See ***FREE-STANDING SIGN.***

IDENTIFICATION SIGN. A sign intended solely to inform the public of the particular use of a property, building, office and the like and which may include the address, suite number or other identifying information, but that typically does not include other advertising or messages not related to the identification of the premises.

ILLEGAL SIGN. Any sign which was erected or altered in violation of the city's sign regulations that were in effect at the time of the action. (Also, see ***NONCONFORMING SIGN.***)

ILLUMINATED SIGN. Any sign which utilizes a source of light, either internally or externally

- ***DIRECT ILLUMINATION.*** A source of illumination on the surface of the sign or from within a translucent sign.
- ***INDIRECT ILLUMINATION.*** A source of light that is either attached to the sign structure or located nearby, and that is directed toward the sign to illuminate its exterior surface.

INCIDENTAL SIGN. A sign intended primarily for the convenience and direction of the public, which is informational only, and which does not include the advertising of products or services. These signs may include business hours signs, credit card signs, entrance and exit signs, and other signs that may be required by law

KIOSK. A free-standing structure having areas designed for the placement or attachment of personal or public notices, advertisements or other messages. It may function much like a "bulletin board" for messages of a short-term nature and often include identification of the business on whose property it is located.

MAINTAIN. To allow to exist or continue to exist. Also, where the context indicates, means to keep in a safe, neat and clean condition.

MARQUEE. A permanent roofed structure attached to and supported by a building and projecting away from the building, usually over a public walkway and common to theaters.

MOVING OR ANIMATED SIGN. Any sign that includes action or motion, including flashing lights, color changes, revolving or waving actions, but not including, wind actuated elements, such as flags, pennants, or banners. These signs do not include public service signs such as time, date, temperature signs.

MULTIPLE-COPY SIGNS. Any sign structure that contains identification of or information about more than one business or other land use or which contains more than one type of message.

NONCONFORMING SIGN. Unlike an "illegal sign", a nonconforming sign was legally established but no longer conforms to the current standards or requirements of this subchapter.

PAINTED SIGN. A sign which is painted directly onto the surface of a building or other structure that was not specifically designed as a sign structure.

PORTABLE, FREE-STANDING SIGN. Any free-standing sign which is not permanently fixed on the site by either attachment to a fixed structure or embedded into the ground, and which can be readily moved. Sandwich board or "A"-frame signs are typical of this type.

PROJECTING SIGN. Any sign which is attached to a structure or building face and

- A) Extends outward from that structure or building for a distance greater than 16 inches or;
- B) Has a face which is not parallel to the face of the building or structure and extends beyond the face of the building for any distance.

READER BOARD. See **CHANGEABLE COPY.**

ROOF SIGN. A sign erected upon or above the roof or parapet wall structure of a building and which is wholly or partially supported by the building.

SANDWICH BOARD SIGN. See **PORTABLE, FREE-STANDING SIGN.**

SHOPPING CENTER/BUSINESS COMPLEX SIGN. A single sign structure intended for the placement of two or more identification signs related to businesses services, or primary goods offered in the center or business complex.

SIGN. Any words, number, logos, flags, banners or other material that are placed or constructed primarily to convey a message, and which is visible from public or private streets or other property.

SIGN STRUCTURE. Any structure specifically intended to support a sign or which may also be a part of the sign. May include supports, uprights, braces, framework and other members that may be needed to support the sign and keep it in place.

TEMPORARY SIGN. A sign that is not permanently affixed and which is intended for a short-term use, such as to advertise an activity, such as a special promotion, sale, fund-raising activity, special event or for use until a permanent sign can be erected.

TEMPORARY SIGNS typically include devices such as banners, flags, pennants, searchlights, balloons and the like.

UNDER MARQUEE SIGN. A sign attached to the underside of a marquee or canopy and protruding over a public or private pedestrian walkway. Often used in shopping centers and areas having covered sidewalks.

WALL GRAPHICS. Any mosaic, mural or painting, or graphic art technique or combination of same, implanted, applied or otherwise placed directly onto a wall or fence and containing no copy, advertising symbols, logos, trademarks or other references to any product, service, goods, persons, places or issues. These are generally considered to be "art" and not signs and as such, are not subject to the regulations included in this subchapter.

WALL SIGN. A sign attached directly to or erected against the wall of a building with the face in a parallel plane to the building wall and extending no more than 12 inches from the wall.

WIND SIGN OR DEVICE. Any sign or device that is intended to serve the function of a sign, in attracting attention to a particular site, business or premise, and which because of its design or materials is caused to flutter, wave, revolve, sparkle or otherwise move as a result of the pressures of a wind or breeze including inflatable air dancers, tube dancers, fan dancers.

WINDOW SIGN(S). Are those which are painted, displayed or placed on the interior of the window or glass door.

(Ord. 225, passed 10-20-1994, § 29.2)

☐ § 154.353 CONFORMANCE.

- (A) No sign may be erected unless it conforms to the provisions of this subchapter.
- (B) Sign permits shall be obtained prior to the erection of any sign, unless exempt.

(Ord. 225, passed 10-20-1994, § 29.3) Penalty, see § 154.999

§ 154.354 EXEMPTIONS FROM PERMIT REQUIREMENTS.

The following signs do not require permits or fees, but may be subject to other provisions of this chapter or International Building Code:

- (A) Traffic signs, signals and other traffic-control devices erected by the city or other public authority;
- (B) Public notices pertaining to public health or safety issues, erected by the city or approved by the city;
- (C) Permanent plaques, cornerstones, name plates and other building identification markings attached to or carved into the building materials and which are an integral part of the structure;
- (D) Address numbers;
- (E) Signs located within a building, with the exception of strobe lights and moving or animated signs that are visible from any private or public roadway, or from adjacent properties;
- (F) Legal nonconforming signs, except that the signs shall conform to this subchapter if they are altered or replaced or upon the change of occupancy type of the business;
- (G) Flags on permanent flag poles designed for the routine raising and lowering of flags;
- (H) Wall graphics, as defined; and
- (I) Temporary signs, subject to Section 154.358(C).

(Ord. 225, passed 10-20-1994, § 29.4)

§ 154.355 PROHIBITED SIGNS.

The following signs are prohibited within the city limits and shall be removed:

- (A) Strobe lights and signs containing strobe lights or any other flashing, blinking or moving lights which are visible beyond any property line;
- (B) Signs placed on trailers and parked with the primary purpose of providing a sign that is not otherwise allowed;

(C) Any private sign placed within a public right-of-way or overhanging a public right-of-way;

(D) Any sign that is determined by the City Administrator to be a hazard to public safety due to its design, materials, physical conditions or placement; and

(E) Signs painted on or otherwise attached to trees, natural rocks or other landscape or natural features.

(Ord. 225, passed 10-20-1994, § 29.5) Penalty, see § 154.999

§ 154.356 SIGN MEASUREMENTS.

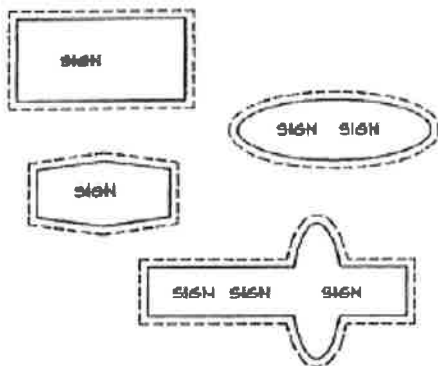
(A) The area of sign faces shall include the entire sign area, including any surrounding frames or cabinet edges.

(B) Sign area does not include supports, foundations or structures that are not part of the sign.

(C) Only one side of a double-faced sign is counted in the total area.

(D) When signs are constructed of individual letters or other pieces attached to a wall or other flat surface, the sign area is determined by a perimeter line drawn around and containing all the pieces.

(E) Multiple-copy signs or shopping center signs consisting of several individual signs on the same support structure (as illustrated below) are calculated as the total of all individual sign components.



(F) A round or cylindrical sign is calculated as the total area that can be seen at one time from one position.

(G) The height of signs is measured from "grade", as defined, to the highest point of the sign or sign frame.

(H) Sign clearances are measured from "grade" directly below the subject sign to the bottom of the sign or sign frame.

(I) Corner signs shall be assigned to one of the frontages by the applicant and shall conform to the requirements for that frontage only.

(Ord. 225, passed 10-20-1994, § 29.6)

☐ § 154.357 NONCONFORMING SIGNS.

Legally established signs that no longer conform to city sign regulations are permitted to remain, subject to the following.

(A) Except as provided in subsection C of this section, maintenance, repairs and the changing of sign faces are permitted; provided, structural alterations are not made and the sign face is not enlarged.

(B) Except as provided in subsection C of this section, any sign in service as of the date of the passage of this Ordinance is allowed to remain, as long as it complied with the Ordinances in existence at the time the sign permit was issued. A nonconforming sign may not be relocated or structurally altered without achieving full compliance with these regulations.

(C) Any temporary sign that is nonconforming shall be removed immediately.

(Ord. 225, passed 10-20-1994, § 29.7)

☐ § 154.358 SPECIFIC SIGN DEVELOPMENT STANDARDS.

(A) *Placement requirements for all signs.*

(1) With the exception of public authority and other traffic-related signs, all signs shall be erected totally within the boundaries of the site.

(2) Vision clearance areas shall be maintained at all intersections of private or public roadways, alleys and driveways, to prohibit the placement of any sign within 15 feet of the intersections.

(3) A vision clearance setback shall be maintained a distance of at least ten feet from the edge of any existing road or from the proposed edge of a planned road.

garage sales, home construction or remodeling, and similar activities. Temporary signs shall be removed within 7 days after sales, elections, or other events.

(4) Temporary signs are subject to the same setback and clearance requirements of any other sign and shall not cause a hazard to public safety or block the visibility of motorists.

(5) Wind signs or devices that flutter, wave, sparkle or otherwise move from the pressures of the wind are considered temporary signs or devices and shall be used for special purposes and not as a permanent sign device.

(6) Any temporary sign that has been removed shall not be replaced by another temporary sign of the same general type for a period of at least six months following its removal.

(Ord. 225, passed 10-20-1994, § 29.8) Penalty, see § 154.999

§ 154.359 COMMERCIAL DISTRICT SIGN REGULATIONS.

The following types, numbers, sizes and features of signs are allowed in all commercial zoning districts of the city.

(A) *Free-standing signs.*

(1) Maximum height of any free-standing sign shall be 35 feet from grade to highest point on the sign or structure.

(2) One free-standing sign is permitted per site; provided, the sign can be placed at least 50 feet from the nearest previously existing free-standing sign of an adjacent business sign.

(3) The maximum sign area for any free-standing sign shall be 48 square feet. A double faced sign may have 48 square feet of sign area on each side.

(4) A shopping center or business complex sign or other sign that combines several sign allowances into a single multiple-copy sign for design or aesthetic purposes may be allowed a total sign area of 64 square feet per side in order to maximize the sign's efficiency and reduce the actual number of free-standing signs.

(5) Any free-standing signs of a temporary nature shall be anchored in place, shall not be within any public right-of-way or on a public sidewalk, shall be no larger than five square feet in sign area and shall extend no higher than 42 inches above the grade.

(B) *Signs attached to buildings.*

(1) If there is a free-standing sign on the site, then the maximum allowable additional sign area for that site shall be no greater than one and one-half square feet for each linear foot of business frontage.

(2) If the site has no existing free-standing sign, then the maximum allowable sign area for that site shall be no greater than two square feet for each linear foot of business frontage.

(3) Regardless of the total size of the building wall area, any sign attached or painted on to a building, shall not exceed 100 square feet of wall area on the face of any side.

(4) No sign that is attached to a building shall extend above the highest point of the building.

(5) There is no limit on the number of individual signs; provided, the above-stated limitations are maintained for square footage of sign area.

(6) Incidental signs, including directional sign, hours of operation and the like shall not be included in all sign area calculations.

(C) *Other provisions.*

(1) Signs in any commercial district may be illuminated directly, indirectly or internally; provided, the lighting is directed away from any residences or light-sensitive land uses and away from on-coming traffic.

(2) Moving, rotating, flashing, animated or other similar signs are prohibited in the city.

(3) Reader-board or electronic message signs shall be permitted only if no part of the sign is continuously moving and the messages or other parts of the sign change no more frequently than once every 15 seconds.

(4) Wall graphics, as defined, are exempt from sign requirements.

(Ord. 225, passed 10-20-1994, § 29.9)

§ 154.360 RESIDENTIAL DISTRICT SIGN REGULATION.

The following types, numbers, sizes and features of signs are allowed in all residential districts of the city.

(A) *Free-standing signs.*

(1) One free-standing sign shall be permitted at each street entrance to a neighborhood, subdivision, mobile home park, apartment or condominium complex, or other homogenous residential area. The sign shall be designed specifically for that development or area and is subject to approval by the Planning Commission at the time of site plan review. The sign shall be no larger than 32 square feet of sign area and no higher than six feet from grade.

(2) Residential sites having one or two dwelling units may have one free-standing permanent sign, not to exceed a sign area of three square feet per sign.

(3) Residential sites having three or more dwelling units may have one free-standing sign per building, not to exceed a sign area of four square feet per sign.

(4) Any free-standing signs of a temporary nature shall be anchored in place, shall not be within any public right-of-way or on a public sidewalk, shall be no larger than five square feet in sign area and shall extend no higher than 42 inches above grade.

(B) *Signs attached to buildings.* Any of the free-standing sign limitation outlined in division (A) above may be applied to wall signs or roof signs in lieu of a free-standing sign; provided, the signs do not extend above the roofline.

(C) *Other provisions.*

(1) Special care shall be taken in residential zoning districts to direct all sign lighting away from residences and away from on-coming traffic.

(2) Moving, rotating, flashing, animated or other similar signs are prohibited in the city.

(3) Reader-board or electronic message signs shall be permitted in residential districts only when associated with and operated and maintained by a public agency, school district or quasi-public entity such as a fraternal organization, church, senior or community multipurpose center and only when approved by the Planning Commission upon findings that a sign is necessary for the function or operation of that public or quasi-public entity and is for the general welfare of the community in general. A sign may be approved to a maximum sign area of 50 square feet.

(4) Wind signs or devices that flutter, wave, revolve, sparkle or are otherwise moved by the wind are prohibited from residential zoning districts.

(Ord. 225, passed 10-20-1994, § 29.10)

§ 154.361 VARIATIONS TO SIGN REGULATIONS.

(A) (1) With the exception of those sign types that are expressly prohibited, the Planning Commission may make minor adjustments to sign heights, numbers of signs and sign area requirements within 20% of the code requirements.

(2) Any requests of an applicant in excess of the 20% variation shall be processed in accordance with §§ 154.415 through 154.420.

(B) A nonconforming sign may not be relocated or structurally altered without achieving full compliance with these regulations.

(Ord. 225, passed 10-20-1994, § 29.11) Penalty, see § 154.999

¶ § 154.362 VIOLATIONS.

It shall be unlawful for any person to violate the standards or requirements of this subchapter and punishment for the violations shall be in accordance with that of any other chapter violation.

(Ord. 225, passed 10-20-1994, § 29.12) Penalty, see § 154.999

Exhibit B

**BEFORE THE PLANNING COMMISSION
OF THE CITY OF SHADY COVE
COUNTY OF JACKSON, STATE OF OREGON**

IN THE MATTER OF CONSIDERATION OF)
AMENDMENTS TO THE SIGN REGULATIONS OF) **RECOMMENDATION**
SECTION 154.350 THROUGH SECTION 154.362) **TO CITY COUNCIL**
OF THE SHADY COVE CODE OF ORDINANCES)

RECITALS:

- 1) Chapter 154, of the Municipal Code of the City of Shady Cove governs Type IV Legislative Procedures within the corporate limits of the City and requires, if approval is recommended by the Planning Commission, that the City Council of the City of Shady Cove make the final decision regarding the application; and,
- 2) The Shady Cove Planning Commission, after providing proper public notice, met in Public Hearing on July 10, 2014, to consider amendments to Sections 154.350 through 154.362 of the Shady Cove Code of Ordinances to resolve internal inconsistencies in the text and address court decisions regarding content neutrality. The Commission received testimony from interested parties and staff. The staff recommendations, as submitted to the Planning Commission, are contained in a staff memorandum that is part of the record; and,
- 3) On July 10, 2014, following the close of the public hearing, the Planning Commission deliberated on the record of the proceedings, after which a motion was made and duly seconded, to recommend that the City Council approve amendments to the sign regulations in Chapter 154.350 through 154.362. The motion passed by a roll call vote of 5 to 0.

NOW THEREFORE, the Planning Commission of the City of Shady Cove finds, concludes, and recommends as follows:

SECTION 1: FINDINGS

- 1) The Planning Commission hereby incorporates by reference all oral deliberations and findings of fact established in the record of the public hearing, and cites by reference: oral and written testimony of interested citizens, and staff and findings of fact which are a part of the record, the City Planner's staff report; and,
- 2) The Planning Commission hereby finds that it has received all information and evidence necessary to consider the above request; and,

- 3) The City provided public notice through the Upper Rogue Independent, and mailed notices to owners of all properties within the city limits via United States Postal Service. The Planning Commission finds and concludes that proper notice has been given; and,
- 4) The Planning Commission finds that no one spoke in opposition to the proposed amendments.
- 5) The criteria used to evaluate the requested amendments to the sign regulations are contained in Section 154.438. The Planning Commission finds that the request meets the criteria.

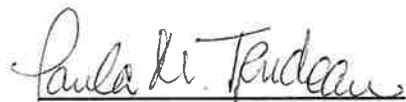
SECTION 2: CONCLUSION

The Planning Commission concludes that the proposed amendments to the sign regulations comply with procedural requirements of the Shady Cove Code of Ordinances; resolve internal inconsistencies; and provide the content neutrality mandated by Oregon courts.

SECTION 3: DECISION

Based on the record of the public hearing on this matter, the Planning Commission recommends approval of the proposed amendments to the sign regulations of Section 154.350 through Section 154.362 of the Shady Cove Code of Ordinances.

This RECOMMENDATION for APPROVAL is given to the Shady Cove City Council this 17th day of July 2014, in Shady Cove, Oregon.


Paula Trudeau, Chair

SIGN REGULATIONS

§ 154.350 PURPOSE AND INTENT.

This section recognizes the important function of signs in the community and establishes regulations intended to protect the public from damage or injury caused by or attributable to distractions and obstructions caused by improperly designed, installed, or located signs. The regulations attempt to improve the appearance of the city, minimize visual clutter, and comply with ODOT standards for National Scenic Byways, while giving businesses an opportunity to attract and inform customers.

Deleted: cc

Deleted: are also intended, in part, to stabilize or enhance property values and the overall appearance of the community

(Ord. 225, passed 10-20-1994, § 29.1)

§ 154.351 APPLICATION.

Unless otherwise exempt under Section 154.354, anyone proposing new signs shall be required to make application and pay a permit fee as established by a resolution of the City Council.

Deleted: All

(Ord. 225, passed 10-20-1994, § 29.1)

§ 154.352 DEFINITIONS.

For the purpose of this subchapter, the following definitions apply unless the context clearly indicates or requires a different meaning.

ALTERATION. Any change excluding content, and including, but not limited to, the size, shape, method of illuminations, position, locations, materials, construction, or supporting structure of a sign.

Deleted: Any change in the size, shape, method illumination, position, location, permanent copy, construction or supporting structure of a sign

AWNING. A shelter projecting from and supported entirely from the exterior wall of a building and constructed of rigid or non-rigid materials on a supporting framework.

Deleted: AREA.¶

(1) The total space included within the outer dimensions of a sign.¶

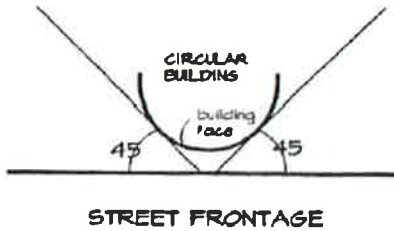
(2) Each face of a multiple-faced sign structure shall be included in the "total area" of a sign, unless otherwise stated. Logos and artistic or architectural features that are designed as part of the sign shall be included in its area.¶

(3) However, artistic or architectural features that are not directly related to or an integral part of the sign or its message, in the opinion of the Planning Commission, shall not be included in the sign's area.¶

BUILDING FACE OR WALL. All window and wall area of a building in one plane or elevation. In the case of a round or curved building, the "front" face or wall shall be determined as the portion that lies between the two 45-degree tangents from the street frontage, as illustrated below:

Deleted: A structure supported on the exterior wall of a building and composed of non-rigid materials, with the exception of the framework, projecting over a walkway or entrance.

Deleted: form



BUILDING FRONTAGE. The exterior wall surfaces of a building that directly or most directly face a specific direction, usually a street, but in some cases a parking lot. The width of the property line that fronts a particular street is considered that property's frontage. In some cases, such as a corner lot, a property may have more than one **FRONTAGE.**

BUILDING OFFICIAL. The officer or other person charged with the enforcement of this code or his or her duly authorized deputy or assistant. The administration of this code is the responsibility of the City Administrator.

Deleted: ¶

Deleted: administration and

BULLETIN BOARD. A permanent sign intended to accommodate changeable copy, such as private or public notices, special event information, and other short-term messages, and is generally at a scale suitable for pedestrians and not intended to be read by passing motorists. (Also, see **KIOSK.**)

CANOPY. A non-movable awning or roof-like structure attached to a building.

CHANGEABLE COPY OR READER-BOARD SIGN. A sign structure that is often internally or externally illuminated and intended to accommodate changeable lettering, numbering, graphic displays or other short-term messages. Often used for commercial messages and for information pertaining to current or coming events of general interest.

CITY ADMINISTRATOR. The City Administrator for the City of Shady Cove or the City Administrator's designee.

CUT-OUT SIGN. Any visual or graphic display in the form of figures, letters, numbers or other characters or representatives in cut-out or irregular forms. The signs may be free-standing or attached to a building or other structure.

Deleted: ¶

CONSTRUCTION SIGN. A sign that relates directly to a construction project taking place on the premises and may typically include information such as the name of the project and contractors, phone numbers, completion dates and other related information.¶

DIRECTIONAL SIGN. A permanent sign which is designed solely for the purpose of directing motor vehicle, pedestrian, bicycle or other traffic, or individuals, toward a specific destination or route.

Deleted: **DIRECT ILLUMINATION.** A source illumination on the surface of the sign or from within a translucent sign.¶

ELECTRIC SIGN. Any sign containing electrical wiring or requiring electricity for its function or illumination.

Deleted:

ELECTRONIC MESSAGE SIGN. Any sign whose message or display is presented with patterns of lights which may be changed intermittently by an electronic process.

Deleted: and may appear, in some applications.

FASCIA SIGN. See **WALL SIGN.**

FLASHING SIGN. Any sign which incorporates intermittent electrical impulses to a source of illumination or revolving in a manner which creates the illusion of flashing, or which changes color or intensity or illumination. Examples include electric or electronic time, date and temperature signs and other electronic message signs.

FREE-STANDING SIGN. A sign that is supported by columns, uprights or braces in or upon the ground and not attached to any building.

GRADE. The level of the surface of the ground, whether or not paved, that lies immediately below a sign or proposed sign location. When a slope is involved, the grade shall be the average of the levels at each supporting member of the sign's structure.

Deleted: FRONTAGE. The exterior wall surface of a building that directly or most directly face a specific direction, usually a street, but in some cases a parking lot. The width of the property line that fronts a particular street is considered that property frontage. In some cases, such as a corner lot, a property may have more than one **FRONTAGE**.

GROUND SIGN. See **FREE-STANDING SIGN.**

IDENTIFICATION SIGN. A sign intended solely to inform the public of the particular use of a property, building, office and the like and which may include the address, suite number or other identifying information, but that typically does not include other advertising or messages not related to the identification of the premises.

ILLEGAL SIGN. Any sign which was erected or altered in violation of the city's sign regulations that were in effect at the time of the action. (Also, see **NONCONFORMING SIGN.**)

ILLUMINATED SIGN. Any sign which utilizes a source of light, either internally or externally.

Deleted: , or order to make the sign readable during hours of darkness.

- **DIRECT ILLUMINATION.** A source of illumination on the surface of the sign or from within a translucent sign.
- **INDIRECT ILLUMINATION.** A source of light that is either attached to the sign structure or located nearby, and that is directed toward the sign to illuminate its exterior surface.

Formatted: Bullets and Numbering

INCIDENTAL SIGN. A sign intended primarily for the convenience and direction of the public, which is informational only, and which does not include the advertising of products or services. These signs may include business hours signs, credit card signs, entrance and exit signs, and other signs that may be required by law.

Deleted: ¶

Deleted: The sign

Deleted: , some of which may be "identification" signs or other types.

KIOSK. A free-standing structure having areas designed for the placement or attachment of personal or public notices, advertisements or other messages. It may function much like a "bulletin board" for messages of a short-term nature and often include identification of the business on whose property it is located.

Deleted: INDIRECT ILLUMINATION. A source of light that is either attached to the sign structure or located nearby, and that is directed toward the sign to illuminate its exterior surface.

MAINTAIN. To allow to exist or continue to exist. Also, where the context indicates, means to keep in a safe, neat and clean condition.

MARQUEE. A permanent roofed structure attached to and supported by a building and projecting away from the building, usually over a public walkway and common to theaters.

MOVING OR ANIMATED SIGN. Any sign that includes action or motion, including flashing lights, color changes, revolving or waving actions, but not including, wind actuated elements, such as flags, pennants, or banners. These signs do not include public service signs such as time, date, temperature signs.

Deleted: and the like

MULTIPLE-COPY SIGNS. Any sign structure that contains identification of or information about more than one business or other land use or which contains more than one type of message.

NONCONFORMING SIGN. Unlike an "illegal sign", a nonconforming sign was legally established but no longer conforms to the current standards or requirements of this subchapter.

Deleted: **NEIGHBORHOOD IDENTIFICATION SIGN.** A sign located at an entry point or interior courtyard or other suitable location in a residential subdivision or neighborhood and that is intended to identify that subdivision or neighborhood by name, address, logo or other identifier.¶

PAINTED SIGN. A sign which is painted directly onto the surface of a building or other structure that was not specifically designed as a sign structure.

Deleted: **OFF-PREMISE SIGNS.** Signs on one site advertising businesses or uses on other site

PORTABLE, FREE-STANDING SIGN. Any free-standing sign which is not permanently fixed on the site by either attachment to a fixed structure or embedded into the ground, and which can be readily moved. Sandwich board or "A"-frame signs are typical of this type.

Deleted: Shall conform to the current requirements.¶
POLITICAL SIGN. A temporary sign which supports a particular candidate or urges a specific action on any other matter on the ballot of any election.¶

PROJECTING SIGN. Any sign which is attached to a structure or building face and

A) Extends outward from that structure or building for a distance greater than 16 inches or;

B) Has a face which is not parallel to the face of the building or structure and extends beyond the face of the building for any distance.

Deleted: and extends outward from that structure or building for a distance greater than 12 inches. A sign, the face of

Deleted: is considered a projecting sign if it

READER BOARD. See **CHANGEABLE COPY.**

ROOF SIGN. A sign erected upon or above the roof or parapet wall structure of a building and which is wholly or partially supported by the building.

Deleted: **REAL ESTATE SIGN.** A sign indicating that the premises on which it is located, some portion thereof, is available for sale, rent or lease. The sign may include the name and address and phone number of the realtor, realty company's office, broker or other information.¶

REVOLVING SIGN. Any sign which revolves 360 degrees. The signs are also considered to be **MOVING SIGNS.**¶

SANDWICH BOARD SIGN. See **PORTABLE, FREE-STANDING SIGN.**

SHOPPING CENTER/BUSINESS COMPLEX SIGN. A single sign structure intended for the placement of two or more identification signs related to businesses services, or primary goods offered in the center or business complex.

SIGN. Any words, number, logos, flags, banners or other material that are placed or constructed primarily to convey a message, and which is visible from public or private streets or other property.

Deleted: *SIGN.* A sign which is painted directly onto the surface of a building or other structure that was not specifically designed as a sign structure.¶

SIGN STRUCTURE. Any structure specifically intended to support a sign or which may also be a part of the sign. May include supports, uprights, braces, framework and other members that may be needed to support the sign and keep it in place.

TEMPORARY SIGN. A sign that is not permanently affixed and which is intended for a short-term use, such as to advertise an activity, such as a special promotion, sale, fund-raising activity, special event or for use until a permanent sign can be erected. **TEMPORARY SIGNS** typically include devices such as banners, flags, pennants, searchlights, balloons and the like.

Deleted: (not more than 14 days)

UNDER MARQUEE SIGN. A sign attached to the underside of a marquee or canopy and protruding over a public or private pedestrian walkway. Often used in shopping centers and areas having covered sidewalks.

WALL GRAPHICS. Any mosaic, mural or painting, or graphic art technique or combination of same, implanted, applied or otherwise placed directly onto a wall or fence and containing no copy, advertising symbols, logos, trademarks or other references to any product, service, goods, persons, places or issues. These are generally considered to be "art" and not signs and as such, are not subject to the regulations included in this subchapter.

Deleted:

WALL SIGN. A sign attached directly to or erected against the wall of a building with the face in a parallel plane to the building wall and extending no more than 12 inches from the wall.

WIND SIGN OR DEVICE. Any sign or device that is intended to serve the function of a sign, in attracting attention to a particular site, business or premise, and which because of its design or materials is caused to flutter, wave, revolve, sparkle or otherwise move as a result of the pressures of a wind or breeze including inflatable air dancers, tube dancers, fan dancers.

WINDOW SIGN(S). Are those which are painted, displayed or placed on the interior of the window or glass door.

(Ord. 225, passed 10-20-1994, § 29.2)

§ 154.353 CONFORMANCE.

- (A) No sign may be erected unless it conforms to the provisions of this subchapter.
- (B) Sign permits shall be obtained prior to the erection of any sign, unless exempt.

(Ord. 225, passed 10-20-1994, § 29.3) Penalty, see § 154.999

§ 154.354 EXEMPTIONS FROM PERMIT REQUIREMENTS.

The following signs do not require permits or fees, but may be subject to other provisions of this chapter or International Building Code:

- (A) Traffic signs, signals and other traffic-control devices erected by the city or other public authority;
(B) Public notices pertaining to public health or safety issues, erected by the city or approved by the city;
(C) Permanent plaques, cornerstones, name plates and other building identification markings attached to or carved into the building materials and which are an integral part of the structure;
(D) Address numbers;
(E) Signs located within a building, with the exception of strobe lights and moving or animated signs that are visible from any private or public roadway, or from adjacent properties;
(F) Legal nonconforming signs, except that the signs shall conform to this subchapter if they are altered or replaced or upon the change of occupancy type of the business;
(G) Flags on permanent flag poles designed for the routine raising and lowering of flags;
(H) Wall graphics, as defined; and
(I) Temporary signs, subject to Section 154.358(C).

Deleted: All signs in a historic district, or on the same premises as a historic structure, shall be subject to approval by the Historic Review Board.
Deleted: EXEMPT
Deleted: SIGNS.
Deleted: are exempt from the provisions of this subchapter
Deleted: Uniform

(Ord. 225, passed 10-20-1994, § 29.4)

§ 154.355 PROHIBITED SIGNS.

The following signs are prohibited within the city limits and shall be removed:

- (A) Strobe lights and signs containing strobe lights or any other flashing, blinking or moving lights which are visible beyond any property line;
(B) Signs placed on trailers and parked with the primary purpose of providing a sign that is not otherwise allowed;

Deleted: and
Deleted:
Deleted:
Deleted: or flags and pendants
Deleted: or painted on any motor vehicle or

(C) Any private sign placed within a public right-of-way or overhanging a public right-of-way;

(D) Any sign that is determined by the City Administrator to be a hazard to public safety due to its design, materials, physical conditions or placement; and

(E) Signs painted on or otherwise attached to trees, natural rocks or other landscape or natural features.

(Ord. 225, passed 10-20-1994, § 29.5) Penalty, see § 154.999

Deleted: a

Formatted: Underline

Deleted: city police officer, Planning Commission or City Council

Deleted: ; and

Deleted: (F) Off-premise commercial signs

§ 154.356 SIGN MEASUREMENTS.

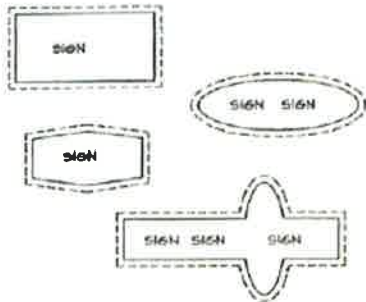
(A) The area of sign faces shall include the entire sign area, including any surrounding frames or cabinet edges.

(B) Sign area does not include supports, foundations or structures that are not part of the sign.

(C) Only one side of a double-faced sign is counted in the total area.

(D) When signs are constructed of individual letters or other pieces attached to a wall or other flat surface, the sign area is determined by a perimeter line drawn around and containing all the pieces.

(E) Multiple-copy signs or shopping center signs consisting of several individual signs on the same support structure (as illustrated below) are calculated as the total of all individual sign components.



(F) A round or cylindrical sign is calculated as the total area that can be seen at one time from one position.

(G) The height of signs is measured from "grade", as defined, to the highest point of the sign or sign frame.

(H) Sign clearances are measured from "grade" directly below the subject sign to the bottom of the sign or sign frame.

(I) Corner signs shall be assigned to one of the frontages by the applicant and shall conform to the requirements for that frontage only.

(Ord. 225, passed 10-20-1994, § 29.6)

§ 154.357 NONCONFORMING SIGNS.

Legally established signs that no longer conform to city sign regulations are permitted to remain, subject to the following.

(A) ~~Except as provided in subsection C of this section, maintenance, repairs and the changing of sign faces are permitted; provided, structural alterations are not made and the sign face is not enlarged.~~

Deleted: M

(B) ~~Except as provided in subsection C of this section, any sign in service as of the date of the passage of this Ordinance is allowed to remain, as long as it complied with the Ordinances in existence at the time the sign permit was issued. A nonconforming sign may not be relocated or structurally altered without achieving full compliance with these regulations.~~

Deleted: Any sign that is nonconforming shall be brought into conformance with these regulations as soon as possible and, in any case, when the sign is moved, replaced or structurally altered (within three months of notification by the city of its nonconformance).

(C) Any temporary sign that is nonconforming shall be removed immediately.

(Ord. 225, passed 10-20-1994, § 29.7)

§ 154.358 SPECIFIC SIGN DEVELOPMENT STANDARDS.

(A) ~~Placement requirements for all signs.~~

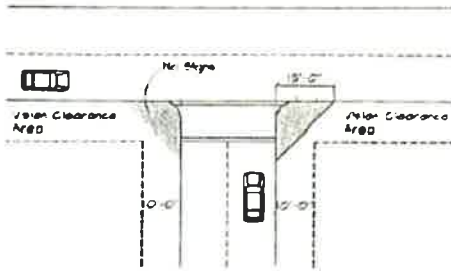
Deleted: ¶

Deleted: .

(1) With the exception of public authority and other traffic-related signs, all signs shall be erected totally within the boundaries of the site.

(2) Vision clearance areas shall be maintained at all intersections of private or public roadways, alleys and driveways, to prohibit the placement of any sign within 15 feet of the intersections.

(3) A vision clearance setback shall be maintained a distance of at least ten feet from the edge of any existing road or from the proposed edge of a planned road.



(4) A vehicle clearance vertical distance of 14 feet from grade to the lowest part of the sign is required for any sign extending over any area in which motor vehicles travel or park, including driveways, parking lots and loading areas.

(B) Additional placement requirements for permanent signs.

(1) A pedestrian clearance vertical distance of eight feet from grade or sidewalk surface to the lowest part of the sign is required for any sign extending over walkways or sidewalks, including "under marquee signs", as defined.

Deleted: 5

(2) Signs may extend into a public right-of-way only when over a sidewalk or other area not utilized by motor vehicles. The extension shall be no more than six feet beyond the property line and no lower than eight feet above grade or above the surface of the sidewalk.

Deleted: 6

(3) When roadways or public sidewalks are installed, improved or widened, the City Engineer may direct the property owner to relocate or remove an existing sign, at the owner's expense, if it is determined that the improvements to the roadway or sidewalk will result in an unsafe sign condition.

Deleted: 7

(C) Additional placement requirements for temporary signs.

(1) Temporary signs and their support structures shall be removed within six months of the date of erection, unless they are approved as permanent signs and installed accordingly.

Deleted: B

Deleted: T

(2) Temporary signs shall not be permanently attached to the ground, a building or to any other structure, although they may be attached securely to prevent theft or wind damage.

(3) In any residential district, temporary signs shall be allowed on a parcel or lot without issuance of a permit and shall not affect the amount or type of signs otherwise allowed by this chapter. These signs shall not be restricted by content, but are usually and customarily used to advertise real estate sales, political or ideological positions.

garage sales, home construction or remodeling, and similar activities. Temporary signs shall be removed within 7 days after sales, elections, or other events.

Deleted: In the case of a political campaign sign real estate sign or other signs that are related to a particular date or occurrence, the signs shall be removed within seven days of that occurrence, such as following the election or sale of the property.

(4) Temporary signs are subject to the same setback and clearance requirements of any other sign and shall not cause a hazard to public safety or block the visibility of motorists.

(5) Wind signs or devices that flutter, wave, sparkle or otherwise move from the pressures of the wind are considered temporary signs or devices and shall be used for special purposes and not as a permanent sign device.

(6) Any temporary sign that has been removed shall not be replaced by another temporary sign of the same general type for a period of at least six months following its removal.

Comment [O1]: Restored per Council direction.

(Ord. 225, passed 10-20-1994, § 29.8) Penalty, see § [154.999](#)

§ 154.359 COMMERCIAL DISTRICT SIGN REGULATIONS.

The following types, numbers, sizes and features of signs are allowed in all commercial zoning districts of the city.

(A) *Free-standing signs.*

(1) Maximum height of any free-standing sign shall be 35 feet from grade to highest point on the sign or structure.

(2) One free-standing sign is permitted per site; provided, the sign can be placed at least 50 feet from the nearest previously existing free-standing sign of an adjacent business sign.

Deleted: (tax lot)

Deleted: (Temporary signs exempt.)

(3) The maximum sign area for any free-standing sign shall be 48 square feet. A double faced sign may have 48 square feet of sign area on each side.

(4) A shopping center or business complex sign or other sign that combines several sign allowances into a single multiple-copy sign for design or aesthetic purposes may be allowed a total sign area of 64 square feet per side in order to maximize the sign's efficiency and reduce the actual number of free-standing signs.

(5) Any free-standing signs of a temporary nature shall be anchored in place, shall not be within any public right-of-way or on a public sidewalk, shall be no larger than five square feet in sign area and shall extend no higher than 42 inches above the grade.

(B) *Signs attached to buildings.*

(1) If there is a free-standing sign on the site, then the maximum allowable additional sign area for that site shall be no greater than one and one-half square feet for each linear foot of business frontage.

Deleted: (tax lot)

Deleted: allowable additional sign area for that s shall be no greater than 20% of the total building frontage.

(2) If the site has no existing free-standing sign, then the maximum allowable sign area for that site shall be no greater than two square feet for each linear foot of business frontage.

Deleted: 30% of the total building frontage.

(3) Regardless of the total size of the building wall area, any sign attached or painted on to a building, shall not exceed 100 square feet of wall area on the face of any side.

(4) No sign that is attached to a building shall extend above the highest point of the building.

Deleted: roof

(5) There is no limit on the number of individual signs; provided, the above-stated limitations are maintained for square footage of sign area.

(6) Incidental signs, including directional sign, hours of operation and the like shall not be included in all sign area calculations.

(C) *Other provisions.*

(1) Signs in any commercial district may be illuminated directly, indirectly or internally; provided, the lighting is directed away from any residences or light-sensitive land uses and away from on-coming traffic.

(2) Moving, rotating, flashing, animated or other similar signs are prohibited in the city.

(3) Reader-board or electronic message signs shall be permitted only if no part of the sign is continuously moving and the messages or other parts of the sign change no more frequently than once every 15 seconds.

(4) Wall graphics, as defined, are exempt from sign requirements.

Deleted: the requirements of the state.

(Ord. 225, passed 10-20-1994, § 29.9)

§ 154.360 RESIDENTIAL DISTRICT SIGN REGULATION.

The following types, numbers, sizes and features of signs are allowed in all residential districts of the city.

(A) *Free-standing signs.*

(1) One free-standing sign shall be permitted at each street entrance to a neighborhood, subdivision, mobile home park, apartment or condominium complex, or other homogenous residential area. The sign shall be designed specifically for that development or area and is subject to approval by the Planning Commission at the time of site plan review. The sign shall be no larger than 32 square feet of sign area and no higher than six feet from grade.

(2) Residential sites having one or two dwelling units may have one free-standing permanent sign, not to exceed a sign area of three square feet per sign.

Deleted: (tax lots)

Deleted: two

(3) Residential sites having three or more dwelling units may have one free-standing sign per building, not to exceed a sign area of four square feet per sign.

Deleted: (tax lots)

(4) Any free-standing signs of a temporary nature shall be anchored in place, shall not be within any public right-of-way or on a public sidewalk, shall be no larger than five square feet in sign area and shall extend no higher than 42 inches above grade.

(B) *Signs attached to buildings.* Any of the free-standing sign limitation outlined in division (A) above may be applied to wall signs or roof signs in lieu of a free-standing sign; provided, the signs do not extend above the roofline.

(C) *Other provisions.*

(1) Special care shall be taken in residential zoning districts to direct all sign lighting away from residences and away from on-coming traffic.

(2) Moving, rotating, flashing, animated or other similar signs are prohibited in the city.

(3) Reader-board or electronic message signs shall be permitted in residential districts only when associated with and operated and maintained by a public agency, school district or quasi-public entity such as a fraternal organization, church, senior or community multipurpose center and only when approved by the Planning Commission upon findings that a sign is necessary for the function or operation of that public or quasi-public entity and is for the general welfare of the community in general. A sign may be approved to a maximum sign area of 50 square feet.

(4) Wind signs or devices that flutter, wave, revolve, sparkle or are otherwise moved by the wind are prohibited from residential zoning districts.

(Ord. 225, passed 10-20-1994, § 29.10)

§ 154.361 VARIATIONS TO SIGN REGULATIONS.

(A) (1) With the exception of those sign types that are expressly prohibited, the Planning Commission may make minor adjustments to sign heights, numbers of signs and sign area requirements within 20% of the code requirements.

(2) Any requests of an applicant in excess of the 20% variation shall be processed in accordance with §§ 154.415 through 154.420.

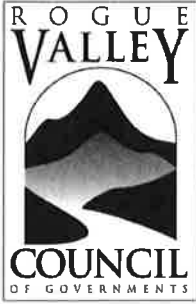
(B) A nonconforming sign may not be relocated or structurally altered without achieving full compliance with these regulations.

(Ord. 225, passed 10-20-1994, § 29.11) Penalty, see § 154.999

§ 154.362 VIOLATIONS.

It shall be unlawful for any person to violate the standards or requirements of this subchapter and punishment for the violations shall be in accordance with that of any other chapter violation.

(Ord. 225, passed 10-20-1994, § 29.12) Penalty, see § 154.999



ROGUE VALLEY
Council of Governments

155 N. First St.
P.O. Box 3275
Central Point, OR 97502
(541) 664-6674
FAX (541) 664-7927

MEMORANDUM

Date: July 2, 2014
To: Shady Cove Planning Commission
From: Dick Converse, Principal Planner
Subject: Sign Ordinance amendments

The City of Shady Cove, on its own initiative, proposes legislative amendments to Section 154.350-154.362 (Sign Regulations) of the Shady Cove Code of Ordinances. The purpose of the amendments is to address case law regarding content neutrality and to clear up internal inconsistencies in the text.

Legislative amendments are subject to the criteria of Section 154.438(C), and require at least one hearing before the Planning Commission and, if approved by the Commission, at least one hearing before the City Council. The criteria are as follows:

(C) The following criteria shall be addressed by the Planning Commission and City Council, along with any other considerations that may be unique or appropriate to the application being processed.

- (1) The proposal shall be consistent with the city's adopted goals and policies pertaining to land use, growth and development.*
- (2) The proposal shall be consistent with all applicable statewide planning goals, including the urbanization factors of goal #14.*
- (3) There shall be at least a conceptual development plan for the subject property that is the subject of a request for a zoning or plan amendment, and that plan shall demonstrate the city's and property owner's abilities to provide all needed public facilities, services and utilities to the site, including streets.*

These criteria apply more directly to changes of comprehensive plan and zoning maps than to text amendments. The text amendment does not involve a subject property, rendering Criterion#3 moot. The other two criteria also require more specific findings when the amendment affects particular properties. The Land Conservation and Development Commission (LCDC) acknowledged the existing sign code when the zoning regulations were first adopted, demonstrating consistency with statewide planning goals, and the zoning regulations implement the City's Comprehensive Plan. The proposed changes do not affect consistency with either state or city's goals, but increase compliance with court decisions and provide greater clarity to the text.

Oregon courts mandated that signs must be content neutral, meaning that a jurisdiction may no longer control content of signs, such as real estate, political, and off-premise. Cities may establish size and location requirements for signs, but courts have ruled that controlling content infringes on free speech. One of the most direct effects of this ruling is that the City must approve off-premise signs, which it previously prohibited, as long as the number and size of signs on a property comply with the ordinance standards for that district. This will rarely be an issue, however, because any off-premise advertising would reduce the amount of permitted on-premise advertising.

The City Attorney reviewed the draft ordinance for consistency with case law, and recommended several changes, mostly to ensure consistency with the court decisions. The draft changes delete text that the attorney determined to clearly infringe on free speech. Staff retained text where the attorney said that it “may” present challenges. Most of these instances reflect a difference between state and federal law, with little threat of a challenge in Shady Cove. These include definitions of directional signs, identification signs, incidental signs, shopping center/business complex signs, and posted public notices.

Among the few proposed substantive changes are the following:

- The proposed ordinance relaxes rules on non-conforming signs (154.357), allowing them to remain as long as they complied with the rules in effect when they were established. The previous version called for their abatement as soon as possible.
- Section 154.358 now provides general requirements for all signs, followed by separate additional standards for permanent signs or temporary signs.
- Section 154.359 attempts to clarify the size of signs attached to buildings by specifying a number of square feet for each lineal foot of building frontage. The previous formula based the size on a percentage of the total building frontage.

The Planning Commission carefully reviewed the ordinance in numerous workshops, and particularly reached out to the business community for reaction to the proposed changes. The City provided a “Measure 56” notice to owners of all property and all business owners in Shady Cove. The City included owners of residential land because several of the regulations affect temporary signs, such as those for property sales, garage sales, and political signs. As of the date of this memo, the City has received no comments. Fire District #4 replied to the agency notice, but recommended no changes to the draft.

Staff recommends that the Planning Commission recommend approval of the sign code amendments to City Council. The Planning Commission may also recommend denial or continue the hearing to a time, place, and date certain.